

Medical Marijuana, Livable Communities

By Sam Farr

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How will the Truth in Trials Act, which you introduced on Oct. 27, reinforce that medical marijuana laws be enforced at the state rather than federal level?

We have a major disconnect in this country between state and federal marijuana laws, and it's resulting in innocent people being sent to prison.

An individual arrested for marijuana use and tried in federal court is currently barred from telling the jury that the marijuana grown, distributed or used was for legal, state-sanctioned purposes. It's unconscionable that we limit a very legitimate defense inside federal courthouses.

The trial of Oakland marijuana advocate Ed Rosenthal brought this issue to light in 2003 when he was forbidden from using state law as a defense during his trial. Ed was legally growing marijuana, but was found guilty under federal statute. The jury later said it would have ruled differently if it knew his activities adhered to state law.

Ed said it best following his trial: "We weren't allowed to give the jury valuable information it needed to make a fair and unbiased decision."

It's important to understand what this legislation won't do. It won't prevent the arrest of someone who has violated federal marijuana laws; it will only allow state law as a defense during trial. The bill does not apply to any other substance than marijuana, and it does not legalize marijuana.

What this bill does do is allow individuals accused of violating federal marijuana laws to tell the

court that they were operating under state medical marijuana laws. It's then up to the jury to decide if the defendant has proved beyond a reasonable doubt that state law was followed.

The effect of this legislation is to protect patients, doctors and growers who follow state law from interference in medical decisions by federal drug enforcers. The bill would apply only to the 13 states that have legislated by law or ballot a medical marijuana statute. California is one of those states.

While this law doesn't directly apply to recent guidelines issued to federal prosecutors, it does ensure that state law will no longer be ignored if the Justice Department decides in the future to again pursue medical marijuana convictions.

You are a member of the newly created Livable Communities Task Force. What are the goals of that group and how would it affect Santa Cruz?

The Livable Communities Task Force got its start last month through the work of my friend, Congressman Earl Blumenauer from Oregon. Its mission is simple: come together to help improve overall community livability and quality of life for all Americans.

The concept of a livable community is a place where families are safe; where housing and transportation work logically and sustainably; where our children excel in school and their parents have secure jobs; and where personal and environmental health is a priority. It takes effort by everyone to reach this ideal, and our job is to make sure the opportunities to reach that ideal are available.

It's a far-reaching mandate, of course, but this task force brings together 20 members of Congress-experts on everything from renewable energy and responsible transportation to building efficiency and community gardening.

As we move ahead, we'll be holding briefings and strategy meetings with members of the Obama administration and a range of experts on issues that affect community livability. The White House is already taking some big steps on this issue, creating the Partnership for

Sustainable Communities with six “livability principles” for coordinating policy across federal agencies.

How does Santa Cruz fit in? First, I like to think Santa Cruz is already a great example of a livable community. We value the environment, we feed our children healthy foods, we consider how our actions affect the world around us. But there is always room for improvement.

I believe the work of the Livable Communities Task Force will have some concrete effects on how federal agencies approach local governments. Remember, there are hundreds and hundreds of grant programs that communities benefit from. The federal government has a hand in every community in the country.

It's the task force's job to make sure the federal government is an effective partner in making our communities the best homes possible.